

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 27777 of 2002(F)

PETITIONER:

**SREE VELLAYINI HANDLOOM WEAVERS
CO-OPERATIVE SOCIETY LTD.NO.T.328, THETTIVILA,
KALLIYOOR P.O., THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:

- 1. DIRECTOR OF HANDLOOMS AND TEXTILES,
THIRUVANANTHAPURAM.**
- 2. GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, THIRUVANANTHAPURAM.**
- 3. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT INDUSTRIES
AND COMMERCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Petitioner's Exhibits

Ext.P1: True copy of the Government Order issued by the Government of Kerala dated 20-7-1996

Ext.P2: True copy of the Judgment in O.P No. 6683/2000 dated 10-1-2001

Ext.P3: True copy of the notice issued by the 1st respondent to the petitioner dated 18-12-2001

Ext.P4: True copy of the explanation submitted by the petitioner to the 1st respondent

Ext.P5: True copy of the guidelines issued by the 1st respondent

Ext.P6: True copy of the Order No.HL C6 6100/2001 dated 2-3-2002 of the Director of Handlooms & Textiles, Trivandrum

RESPONDENTS' EXHIBITS

Ext.R1(a) : True copy of the G.O (MS) No.557/59/ID dated 22-6-59

Ext.R1(b): True copy of the G.O Rt) No.242/88/ID dated 4-3-88

Ext.R1(c): True copy of the judgment dated 26-3-2001 in O.P No. 16995/98 and others

// True copy/

KURIAN JOSEPH, J.

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Dated this the 20th February , 2007

J U D G M E N T

Writ Petition is filed with the following prayers:

“i) Issue a writ of certiorari or appropriate writ, direction or order calling for records leading to Ext. P5 and P6 and quash the guidelines and the portion of the order issued by the 1st respondent disallowing the rebate sale claims of the petitioner.

ii) Issue a writ of mandamus or appropriate writ, direction or order directing the respondents to disburse the rebate sale claims of the petitioner for the years 93-94, 94-95 and 95-96 as recommended by the 2nd respondent with interest.”

2. Since the impugned order is passed by the Director of Handlooms and Textiles in his capacity as Registrar, the petitioner has an effective remedy of appeal before the Government, the appellate authority under section 83 of the Kerala Co-operative Societies Act, 1969. Therefore without expressing any opinion on the merits of the case , the Original Petition is disposed of as follows:

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In the event of petitioner approaching the third respondent within a period of two months from today, the matter will be considered by the 3rd respondent with notice to the petitioner and appropriate action will be taken thereon within another three months.

**KURIAN JOSEPH,
JUDGE.**

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KURIAN JOSEPH, J.

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O.P. No. 27777 OF 2002

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Dated this the 20th February, 2007

J U D G M E N T